MEMORANDUM

FROM: Marie Breen, MassDOT General Counsel and
Jamey Tesler, Acting Registrar of Motor Vehicles
RE: Review of State-to-State Communications and Actions Underway
Interim Progress Report #4
DATE: July 19, 2019

This report updates the Interim Progress Reports we provided to you on July 1st, July 5th and July 12th, and updates progress made on the review of the Registry of Motor Vehicles' (RMV) state-to-state data sharing and communications concerning serious violations by Massachusetts licensed drivers. This report includes progress on the next steps and actions identified in those reports as of 10:00 AM, on Friday, July 19th. We note that much of the progress reported herein is the direct result of the dedication and hard work of the RMV staff and our state and federal partners. Staff teams continue to address the incoming out of state violation notices as outlined in prior reports.

As documented in more detail below, the key changes since our most recent interim report on July 12th are as follows:

- Governor Baker is filing legislation today entitled, "An Act to Promote Commercial Driver Safety," that will allow the Commonwealth and Registry to strengthen commercial driving laws to ensure that only safe and qualified drivers are behind the wheel by adopting several safety-focused provisions that will raise Massachusetts standards for commercial driver's licenses above the minimum federal requirements and by aligning various provisions of state statute governing commercial driver licensing with the relevant federal requirements to eliminate any technical gaps between state law and the federal regulations that our state statutes implement.

- The data exchange and process for reviewing all 5.2 million Massachusetts licensure records against the National Driver Registry (NDR) via a batch process is underway and ongoing. While we have completed the initial data exchange with the NDR, the process for returning results will take several iterations given the need to validate, process and review such a large dataset.

- Grant Thornton continues to conduct its end-to-end forensic review of RMV processes with respect to out-of-state notifications for both commercial drivers' licenses (CDLs) and other licenses.

- An automatic process system using ATLAS will be in place by the end of July to generate outgoing paper notifications to other states when Massachusetts takes any action or enters any information about an out-of-state, non-CDL driver record. We will provide other states notifications about actions already taken by Massachusetts retroactive to the launch of ATLAS on March 26th, 2018.

- A new Out-of-State (OOS) Notifications Processing Unit, which will be under the direct supervision of the acting registrar, is being created to ensure adequate staff resources are available to process both incoming and outgoing notifications in a timely manner. Job postings for six positions within this new unit will be opened for applications no later than the end of the day on Monday, July 22nd.

- Productive meetings occurred this week with the U.S. Department of Transportation's (USDOT) Federal Motor Carrier Safety Administration (FMCSA) about the Massachusetts Commercial Driver's

License (CDL) Program, with the MassDOT Board of Directors Finance and Audit Committee and with the Massachusetts Inspector General.

Commercial Driver's License Legislation

Governor Baker is filing legislation today entitled, "An Act to Promote Commercial Driver Safety," that will allow the Commonwealth and Registry to strengthen commercial driving laws to ensure that only safe and qualified drivers are behind the wheel by proposing several safety-focused provisions that will raise Massachusetts standards for commercial drivers licenses above the minimum federal requirements to ensure that the privilege of holding a commercial drivers license is granted only to those whose driving and criminal records indicate that they are capable of safely driving commercial vehicles. Provisions of this legislation include:

- Requiring applicants for CDLs to show a history of good driving and making applicants ineligible if they have been suspended or disqualified for driving at any time in the past three years.

- Requiring employers of commercial drivers to sign up for the state's Driver Verification System (DVS), a free service that provides automatic notifications when an employee's CDL status changes. This service, in existence in Massachusetts for over 10 years, gives entities next-day notification if an employee's license has been suspended or revoked and when an employee's commercial driver's license expires.

- Lengthening the mandated suspension period for CDL operators who commit multiple serious traffic violations: raising suspensions from 60 to 120 days for drivers who commit two serious traffic violations within a three year period, and from 120 to 240 days for drivers who commit three serious violations in that window.

- Requiring a commercial driver provide next day notification to their employer and the Registry following a conviction of violating motor vehicle law of any state.

- Penalizing commercial drivers for failing to notify an employer or the Registry of suspensions or revocations of the right to operate a motor vehicle from any state.

- Addressing distracted driving by making texting while driving a commercial motor vehicle a serious traffic violation, subject to potential mandatory suspension requirements and also requiring that a driver use only hands-free operation of electronic devices while driving commercial motor vehicles.

Organizational and Policy Changes

The RMV continues to assess and balance the necessary and appropriate focus, prioritization and allocation of resources to meet its twin missions of public safety and customer service in coordination with the external forensic review team and federal and state oversight partners.

While the RMV continues to implement and improve its processes to ensure that out-of-state notifications are processed promptly on a go forward basis and to establish processes to send notifications to other states, this effort will require additional staff resources on a longer-term basis.

To ensure adequate staff resources are available to address both incoming and outgoing out-of-state notifications, a new Out-of-State (OOS) Notifications Processing Unit is being created and will report directly to the Acting Registrar.

Next Steps:

- The recruitment for the new Deputy Registrar for Safety position is ongoing.

- Job postings for six positions within this new unit will be opened for applications no later than the end of the day on Monday, July 22nd.

Commercial Drivers Licenses

As previously reported, ATLAS generates regular reports about the status of actions taken under Commercial Driver License Information System (CDLIS) and any backlog of manual actions that must be taken to keep notifications and suspension processes up to date. RMV employees are now reviewing that information daily and ensuring that any necessary manual reviews are being undertaken with respect to issues that require immediate attention.

Actions Taken To Date

- Productive meetings occurred this week with the U.S. Department of Transportation's (USDOT) Federal Motor Carrier Safety Administration (FMCSA).

Next Steps

- Grant Thornton continues to conduct its end-to-end forensic review of RMV processes with respect to out-of-state notifications for both commercial drivers' licenses (CDLs) and other licenses.

- As detailed above, Governor Baker is filing legislation today entitled, "An Act to Promote Commercial Driver Safety," that will allow the Commonwealth and Registry to strengthen commercial driving laws to ensure that only safe and qualified drivers are behind the wheel by updating state CDL statutes to reflect recent changes to federal law and adopting suspension penalties stricter than those required under federal law.

Out-of-State Notifications

As thoroughly outlined in our July 12th report, the RMV has historically appeared to share information with other states via CDLIS to comply with federal notifications for violations and suspensions involving holders of CDLs and by relying on other states to use the National Driver Registry (NDR) to determine whether Massachusetts has denied, suspended or revoked a license of a non-CDL license holder.

While there is no evidence that the RMV has (at least not for many years) had a consistent practice of sending out mail or electronic notification of violations or suspension actions taken in Massachusetts to other states in "real time" (with documented exceptions), we concluded in our last update that in the interest of safety, the RMV must begin to send notices to other states. We have been working with the ATLAS team to establish a process for generating and mailing out notifications to other states whenever

Massachusetts takes any action or enters any information about an out-of-state driver record. An automatic process system using ATLAS will be in place by the end of July, generating outgoing paper notifications to other states that will be mailed because there is currently no system in place for states to exchange such information electronically.

Additional Findings

- We have confirmed that the ATLAS system can issue notifications to other states retroactive to the launch of the system on March 26, 2018 for all changes made to CDL and non-CDL driver records for drivers licensed in other states. As you know, the CDLIS system is up to date and all CDL notifications are sent electronically currently. In the interest of public safety, we will provide other states notifications about actions already taken by Massachusetts retroactive to the launch of ATLAS on March 26, 2018.

Actions Taken To Date

- The RMV is continuing to implement and improve the processes developed to ensure that incoming out-of-state notifications received by mail are scanned and reviewed and that any notifications triggering suspension actions are acted upon promptly. Since July 1, we have received over 2,275 pieces of incoming mail containing out-of-state notifications and have taken actions that will result in 221 suspensions of Massachusetts drivers.

Next Steps:

- We anticipate having an automated process system in place within ATLAS by the end of July to begin generating outgoing paper notifications to other states, including notifications about actions already taken by Massachusetts retroactive to the launch of ATLAS on March 26, 2018.

- We have communicated this intention to the American Association of Motor Vehicle Administrators (AAMVA) and will be notifying all 50 states prior to mailing these notifications, given the likely volume of mail that will be sent out. We have identified the appropriate state agencies' mail receiving departments and initial ATLAS processes will allow us to include the approximate volume of notifications each state can expect to receive.

- The data exchange and process for reviewing all 5.2 million Massachusetts licensure records against the National Driver Registry (NDR) via a batch process is underway and ongoing. While we have completed the initial data exchange with the NDR, the process for returning results will take several iterations given the need to validate, process and review such a large dataset. We anticipate that the multiple data exchanges will be completed by the end of the month but until we know the number and nature of the driver records that will require reconciliation with the NDR we cannot estimate how long it will take to complete the entire process.

- Grant Thornton continues to conduct its end-to-end forensic review of RMV processes with respect to out of state notifications for both commercial drivers' licenses (CDLs) and other licenses.